

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CENTRAL PENN DISTILLING, INC.</b>	:	
<b>d/b/a MASON DIXON DISTILLERY,</b>	:	
<b>Plaintiff</b>	:	<b>No. 1:22-cv-00179</b>
	:	
<b>v.</b>	:	<b>(Judge Kane)</b>
	:	
<b>DRAKE'S ORGANIC SPIRITS, INC.,</b>	:	
<b>Defendant</b>	:	

**ORDER**

**AND NOW**, on this 10th day of January 2023, in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. The motion for leave to file a document under seal filed by Defendant Drake's Organic Spirits, Inc. ("Defendant") (Doc. No. 34) is **GRANTED**, and the Clerk of the Court is directed to maintain under seal the document docketed in this action on September 27, 2022 (Doc. No. 35);
2. Defendant's motion for partial dismissal of Plaintiff's claims (Doc. No. 25) is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. Counts II and III of Plaintiff's amended complaint—insofar as they seek cancelation of Defendant's registered trademark DRAKE'S ORGANIC BOXTAILS—are **DISMISSED WITH PREJUDICE**;
  - b. Count IV of Plaintiff's amended complaint is **DISMISSED WITH PREJUDICE**;
  - c. Defendant's motion to dismiss is **DENIED** in all other respects; and
3. Defendant shall file an answer to Plaintiff's amended complaint (Doc. No. 11) within twenty-one (21) days of the date of this Order.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania